IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.2202 OF 2003
IN
INCOME TAX APPEAL (L) NO.710 OF 2003

The Commissioner of Income tax ..Applicant
Vs.
M/s.Paville Fashions Pvt. Ltd. ..Respondent

Mr.A.D.Kango for the Applicant.
Mr.A.K.Jasani for the Respondent.

CORAM :- DR.S.RADHAKRISHNAN &
V.C.DAGA, JJ.
DATE : 3RD APRIL, 2007

P.C.

1. Heard the learned Counsel for the parties. By filing the present Notice of Motion, the Applicant is seeking condonation of 173 days delay in filing the above Appeal. Perused the Notice of Motion and the affidavit-in-support thereof. The affidavit- in- support of the Notice of Motion only states that in view of the major restructuring work of the Department, the delay had occurred. However, the restructuring work had taken place in the year 2001 and the Appeal has been filed in the year 2003.

2. In the above matter, we had repeatedly granted time on four occasions to file a better affidavit and on 26th March,2007 we had again granted time and had made clear that it was a last chance. In spite of that, today there is no better affidavit justifying the condonation of delay.

In view thereof, the Notice of Motion stands dismissed.

(V.C.DAGA,J.) **(DR.S.RADHAKRISHNAN,J.)**